

# **EXHIBIT D**

1 A. Yes.

2 Q. Did you vote in the 2020  
3 presidential election?

4 A. Yes, I did.

5 Q. Did you vote in person?

6 A. Did I vote in person?

7 Q. Yes.

8 A. No.

9 Q. How did you vote?

10 A. I voted by mail.

11 Q. Had you voted in person for other  
12 federal, state or local elections in the past?

13 A. Absolutely, yes.

14 Q. Have you voted in person for any  
15 federal, state or local election taking place  
16 after the 2020 presidential election?

17 A. Have I -- did you say have I voted  
18 by mail or in person?

19 Q. In person after the 2020 election?

20 A. I voted in person in the last  
21 election that we had 2021, I think.

22 Q. Who did you vote for for president  
23 in the 2020 presidential election?

24 MR. GOLD: Objection.

25 A. Joe Biden.

1 in different areas, if they ever heard of  
2 anything like that and they said no, but I  
3 asked a couple of people subsequently after we  
4 had the attorneys and everybody in it, and it  
5 was pretty clear that people who lived in  
6 places that had upper-middle class White people  
7 were not getting that kind of thing. It was  
8 people who -- I think I got the feeling that  
9 they were targeting people who might be less  
10 inclined to fight through that kind of  
11 craziness.

12 Q. You did receive the phone call,  
13 correct?

14 A. I did, yeah.

15 Q. So you're not Black, right?

16 A. No.

17 Q. So why do you believe you received  
18 the phone call?

19 A. Because I think they did have zip  
20 codes and everybody about 80 percent of my zip  
21 code are Black people.

22 Q. In your -- as far as you know, was  
23 the phone call meant to intimidate Black  
24 people?

25 MR. GOLD: Objection.

1           A.     I'm not sure I understand what you  
2     mean exactly by intimidate.

3           Q.     Well, it's in your complaint but in  
4     your opinion, was the call meant to intimidate  
5     Black people from not voting?

6           MR. GOLD:   Objection.

7           A.     Intimidate in the sense not in a  
8     physical sense of intimidating someone but to  
9     just try to, you know, make them stop thinking  
10    about voting by mail to not do it.

11          Q.     Were you intimidated by the  
12    Robocall?

13          A.     No, I wasn't.

14          Q.     You know -- after, you know, after  
15    analyzing the phone call and receiving the  
16    phone call, do you believe the Robocall was  
17    designed to intimidate a certain class of  
18    voters?

19          MR. GOLD:   Objection.

20          A.     That is what I believed.

21          Q.     Do you still believe it today?

22          A.     Yes.

23          Q.     So what specifically about the  
24    Robocall was designed to intimidate?

25          MR. GOLD:   Objection.

1 about you receiving a Robocall?

2 A. No.

3 Q. You have no idea as you sit here  
4 today whether or not any members of the Black  
5 community whatsoever are intimidated by this  
6 Robocall?

7 MR. GOLD: Objection.

8 A. I think that some people would be.  
9 Everybody reacts differently but I think some  
10 people would be.

11 Q. That's just pure speculation?

12 MR. GOLD: Objection.

13 A. Same thing.

14 Q. After listening to the phone call  
15 multiple times, do you think the Robocall was  
16 designed to be threatening?

17 MR. GOLD: Objection.

18 A. I do think that.

19 Q. What specifically about the  
20 Robocall leads you to believe that it was  
21 designed to be threatening?

22 A. Well, it names at least three  
23 different possible things that could happen.  
24 If you voted by mail, that would be -- people  
25 would not have those things happen to them.

1 company would be alerted to collect an  
2 outstanding debt, were you concerned about  
3 that?

4 A. No.

5 Q. When you voted by using the  
6 Dropbox, were you concerned by any outstanding  
7 warrants?

8 A. No.

9 Q. When you voted by using the  
10 Dropbox, were you concerned that you would be  
11 tracked that your vaccination whether or not  
12 you took the vaccine would be tracked?

13 MR. GOLD: Objection.

14 A. No.

15 Q. Your conclusion that the Robocall  
16 was meant to intimidate members of the Black  
17 community, that opinion is merely an assumption  
18 on your part, would you agree?

19 MR. GOLD: Objection.

20 A. Yes, that's an assumption.

21 Q. Is it fair to say that this opinion  
22 is merely speculation?

23 MR. GOLD: Objection.

24 A. Do you mean is this the same  
25 assumption? When you say assumption, you mean

1 same thing as speculation?

2 Q. I do.

3 A. I would say no, I don't think so.

4 Q. So you weren't speculating?

5 A. Not really but I think it was  
6 pretty clear actually. I mean, if you put it  
7 altogether. I realized you're doing a lot of  
8 word play here to make it seem like I'm either  
9 racist or that I don't know what I'm talking  
10 about but I think it was a pretty good  
11 assumption that people were trying to keep  
12 other people from voting. I don't like that.

13 Q. You made these assumptions based on  
14 not speaking to one Black person, correct?

15 A. Yes. During the period of the  
16 Robocall, I didn't talk to a Black person about  
17 it but I talked to Black people in general  
18 plenty of times.

19 Q. You did because you testified that  
20 you didn't speak to one Black person?

21 MR. GOLD: Objection.

22 Mischaracterizes her testimony.

23 Q. Ms. Kennedy, did you speak to Black  
24 people or did not speak to Black people about  
25 the phone call?

1           A.     It was not about the phone call. I  
2     talked to them a lot much. I know a lot of  
3     Black people but I did not necessarily talk to  
4     anybody about the phone call.

5           Q.     You made this assumption without  
6     even knowing which zip codes the phone call was  
7     sent to, correct?

8           MR. GOLD:   Objection.

9           A.     I don't know.

10          Q.     You made this assumption without  
11     even knowing whether or not the phone call was  
12     received by White people?

13          MR. GOLD:   Objection.

14          Q.     Besides yourself?

15          A.     Yeah. To other people about one  
16     other person, I guess, it's not fair to count  
17     two people on one vote.

18          Q.     At the time you received the  
19     Robocall, did you recognize the name Tameka  
20     Taylor?

21          A.     No.

22          Q.     So when you received the call, you  
23     had no idea who Tameka Taylor was?

24          A.     No, I still don't know her.

25          Q.     Do you believe any portion of the



1 A. I would say that's fair.

2 MR. SCHWARTZ: Let's do a break.

3 Let's take a ten-minute break.

4 (Whereupon, a ten-minute break was  
5 taken.)

6 Q. So we're back on the record,  
7 Ms. Kennedy, as a result of the Robocall, did  
8 you sustain any financial losses?

9 A. No.

10 Q. As a result of the Robocall, did  
11 you sustain any psychological or emotional  
12 injuries?

13 A. No.

14 Q. As a result of the Robocall, did  
15 you obtain from voting in the 2020 presidential  
16 election?

17 A. No.

18 Q. Ms. Kennedy, do you think teenagers  
19 should be sued, making prank phone calls?

20 MR. GOLD: Objection.

21 A. No.

22 Q. Do you think a teenagers should be  
23 from making a prank phone call?

24 A. No.

25 Q.